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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,770	12/29/2003	Peter Anderson	47079-00055USC2	8218

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EXAMINER

JONES, SCOTT E

ART UNIT PAPER NUMBER

3713

DATE MAILED: 03/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/748,770

Applicant(s)

ANDERSON ET AL.

Examiner

Scott E. Jones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 30-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 30-49 and 51 is/are rejected.
- 7) ☒ Claim(s) 50 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This office action is in response to the amendment filed on November 24, 2004 in which applicant amends claims 30, 38, 40, and 49, adds new claims 50 and 51, and responds to the claim rejections. Claims 30-51 are pending.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 30-33, 35-43, 45-48, and 51 are rejected under 35 U.S.C. 102(b) as being anticipated by Helm et al. (U.S. 4,743,024).

Helm et al. discloses a bingo type gaming machine that matches player selected numbers or symbols with an interlinked display matrix having numbers or symbols corresponding to player selected numbers or symbols, the object being to achieve the indication of particular numbers or symbols or the like in the matrix for the winning of a prize. Helm et al. additionally discloses:

Regarding Claims 30, 38-40, 48, and 51:

- at least one display displaying a plurality of groups of objects (15, the display is comprised of a number of groups of objects, the groups of objects being the horizontal, vertical, diagonal, four corners, or other combinations of the bingo card which may be filled in a sequence in order to win an award in the game) and a plurality of selectable elements (22, 24) separate from the groups of objects (15), each of said plurality of player-selectable elements being simultaneously displayed

and initially concealing indicia indicative of all of said objects within said plurality of groups of objects (Abstract, Column 1, lines 65-66, Column 1, lines 68-Column 2, line 21, Column 2, lines 52-55, Column 3, lines 48-50, Column 4, line 63-Column 5, line 42, and Figure 1); Each of the plurality of player-selectable elements are initially concealed in that the player is unaware of what symbols are going to appear on respective reels (22)(24) until after the player spins.

- an input device (26, 28, 30) for receiving from a player sequential selections of said simultaneously displayed player selected elements (Abstract, Column 1, line 64-Column 2, line 8, and Column 4, lines 55-62);
- a processor in communication with said display and said input device, in response to each said selections received from said input device, said processor instructing said display to reveal each of said objects associated with said selected one of said plurality of said player selectable elements, said processor rendering said selected one of said plurality of said player-selectable elements subsequently un-selectable, and said processor awarding a payout associated with the one of said plurality of groups whose objects have all been revealed (Abstract, Column 1, line 46-Column 2, line 8, and Column 4, lines 55-62).

Regarding Claims 31 and 41:

- each of said plurality of player-selectable elements initially conceals indicia associated with one or more of said objects (Abstract, Column 1, lines 65-66, Column 1, lines 68-Column 2, line 21, Column 2, lines 52-55, Column 3, lines 48-50, Column 4, line 63-Column 5, line 42, and Figure 1). Each of the plurality of player-selectable

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elements are initially concealed in that the player is unaware of what symbols are going to appear on respective reels (22)(24) until after the player spins.

Regarding Claims 32, 33, 37, 42, 43, and 47:

- said indicia includes/associated with a letter of the alphabet, i.e. Bingo (Abstract, Column 1, line 46-Column 2, line 21).

Regarding Claims 35 and 45:

- each of the groups of objects (horizontal, vertical, diagonal, four corners, or other combinations) is associated with a respective payout (Abstract, and Column 2, lines 22-43).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 34, 36, 44, 46, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helm et al. (U.S. 4,743,024).

Helm et al. discloses that as discussed above with regards to Claims 30-33, 35-43, 45-48, and 50-51. Helm et al. seems to lack explicitly disclosing:

Regarding Claims 34, 44, and 49:

- a touch screen to select elements.

Regarding Claims 36, 46, and 49:

- the game is a bonus game.

However, it would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate the element selection features in Helm's gaming machine. Doing so provides an alternative method (a method well known to one having ordinary skill in the art) to Helm's "reel spin" for randomly selecting a number or symbol corresponding to the matrix. Furthermore, to one having ordinary skill in the art, it is well known to use any type of theme game as a bonus game in a slot machine. Further support of the examiner's assertion is found in applicant's specification, "One concept that has been successfully employed to enhance the entertainment value of a game is the concept of a "secondary" or "bonus" game that may be played in conjunction with a "basic" game. The bonus game may comprise any type of game, either similar to or completely different from the basic game, which is entered upon the occurrence of a selected event or outcome of the basic game" (Page 2, lines 21-25).

***Allowable Subject Matter***

6. Claim 50 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

7. Applicant's arguments filed November 24, 2004 have been fully considered but they are not persuasive.

8. Applicant requests reconsideration of the rejection to claims 30-33, 35-43, and 45-49 under 35 U.S.C. 102(b) as being anticipated by Helm et al. (U.S. 4,743,024). Applicant submits the claims, as amended, are not anticipated by Helm.

Regarding Claim 30, Applicant alleges Helm does not disclose or suggest a gaming machine comprising "at least one display displaying a plurality of groups of objects and a plurality of

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selectable elements separate from the groups of objects, each of said plurality of player-selectable elements being simultaneously displayed and initially concealing indicia indicative of all of said objects within said plurality of groups of objects” nor “an input device for receiving from a player sequential selections of said simultaneously displayed player selected elements” as recited in claim 30. The examiner respectfully disagrees. The examiner believes these limitations are disclosed in Helm as cited above in the rejection.

Regarding Claim 40, Applicant alleges Helm does not disclose or suggest a gaming machine comprising “at least one display displaying a plurality of groups of objects and a plurality of player-selectable elements separate from the plurality of groups of objects, the plurality of player-selectable elements being simultaneously displayed in an array and initially concealing indicia indicative of the objects within the plurality of objects, at least some of the plurality of selectable elements concealing indicia that can be indicative of any object within any of the plurality of groups,” as recited in claim 40. The examiner respectfully disagrees. The examiner believes these limitations are disclosed in Helm as cited above in the rejection.

Additionally, regarding Claim 40, Applicant alleges Helm fails to disclose or suggest “an input device for receiving from a player sequential selections of the player-selectable elements from the displayed array of player selectable elements,” as recited in Claim 40. The examiner respectfully disagrees. The examiner believes these limitations are disclosed in Helm as cited above in the rejection.

Regarding Claim 49, Applicant has amended the claim to incorporate a bonus game. Therefore, the previous rejection under 35 U.S.C. 102 (b) as being anticipated by Helm et al. (U.S. 4,743,024) is moot. However, the examiner has rejected the claim under 35 U.S.C. 103(a) as being unpatentable over Helm et al. (U.S. 4,743,024) above.

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9. Regarding the rejection to claims 34, 36, 44, and 46 under 35 U.S.C. 103(a) as being unpatentable over Helm et al. (U.S. 4,743,024), Applicant alleges Helm does not teach a touch screen. The examiner respectfully disagrees. The examiner believes these limitations are taught by Helm as cited above in the rejection.

Applicant alleges since the “player selectable elements” are an intrinsic part of the base game, the “player selectable elements” can’t be associated with a bonus game. Applicant alleges doing so would render Helm unsatisfactory for its intended purpose. The examiner respectfully disagrees. As discussed in the rejection above, it would have been obvious to have any game, including Helm’s bingo game, as a bonus game or a base game on any gaming machine. Therefore, the examiner maintains Helm renders the claimed invention obvious.

#### ***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



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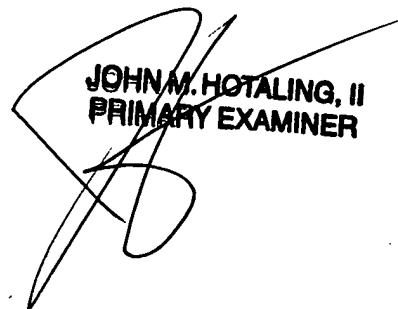
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (571) 272-4438. The examiner can normally be reached on Monday - Thursday, 6:30 A.M. - 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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JOHN M. HOTALING, II  
PRIMARY EXAMINER